

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

HERMAN LEE KINDRED	§	
VS.	§	CIVIL ACTION NO. 1:24-CV-122
DIRECTOR, TDCJ-CID	§	

MEMORANDUM OPINION AND ORDER

Petitioner Herman Lee Kindred, a prisoner confined at the Bell County Jail, proceeding *pro se*, brings this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the constitutionality of a parole revocation proceeding.

The Petition was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Discussion

Title 28 U.S.C. § 2254(a) allows a district court to “entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). A state prisoner is required to file his federal petition for writ of habeas corpus in either the district where the prisoner is incarcerated or the district where the prisoner was convicted and sentenced. 28 U.S.C. § 2241(d). Although both district courts have jurisdiction to entertain the application, “[t]he district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.” *Id.*

Petitioner was convicted of a criminal offense in Bell County, which is also where he is confined. Bell County is located in the Waco Division of the Western District of Texas. This court lacks jurisdiction to consider the Petition because Petitioner was not convicted in the Eastern District of Texas and he is not confined here. *See Carmona v. Andrews*, 357 F.3d 535, 539 (5th Cir. 2004). The court has considered the circumstances and has determined that the interests of justice would best be served if the Petition were transferred to the district where Petitioner is confined. Therefore, the Petition should be transferred to Western District of Texas. It is accordingly

ORDERED that this Petition for Writ of Habeas Corpus is **TRANSFERRED** to the Waco Division of the Western District of Texas.

SIGNED this the 31st day of October, 2024.

A handwritten signature in black ink, appearing to read 'C. Stetson', is written over a horizontal line.

Christine L Stetson
UNITED STATES MAGISTRATE JUDGE